



04 DEC 2007

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In re Application of :
MENG, Jie :
U.S. Application No. 10/567,624 : COMMUNICATION
PCT No.: PCT/CN04/00913 :
Int. Filing Date: 06 August 2004 :
Priority Date: 08 August 2003 :
Attorney Docket No.: 011462-9003-00 :
For: MULTI-FUNCTIONAL EXERCISE :
BICYCLE :

This communication is issued in response to the declaration filed 11 April 2007.

BACKGROUND

On 06 August 2004, applicant filed international application PCT/CN04/00913 which claimed a priority date of 08 August 2003. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 08 February 2006.

On 08 February 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which accompanied by, among other materials, payment of the small entity basic national fee.

On 05 September 2006, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 25 October 2006, applicant filed a declaration executed by: Jia Xiang Zhang and Jie Meng.

On 15 March 2007, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration was defective because the declaration identified an inventor (Jia Xiang Zhang) not listed on the international application.

On 11 April 2007, applicant filed a declaration executed by Jie Meng.

COMMUNICATION

In the instant case, the international application named Jie Meng as the sole inventor, however, the declaration filed by the applicant on 25 October 2006 for this national stage application identified Jia Xiang Zhang and Jie Meng as inventors. It was this inconsistency which rendered the declaration defective.

Applicant has now presented a declaration signed by Jie Meng. However, applicant fails to explain why the inventor (Jie Meng) has executed the declaration indicating Jia Xiang Zhang as an inventor; and why Jia Xiang Zhang has executed a declaration indicating he is an inventor of the above-identified application. Therefore, Jia Xiang Zhang and Jie Meng are required to submit a signed statement clarifying inventorship.

The declaration submitted on 11 April 2007 cannot be accepted at this time.

CONCLUSION

At this time, applicant's request to accept the declaration submitted on 11 April 2007 is **REFUSED**.

A proper response must be filed within **ONE (1) MONTH** from the mail date of this communication and must include a statement of clarifying the inventorship of the above-identified application. No extensions of this time limit may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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